United States Environmental Protection Agency

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AQD EXHIBIT 7

PENGAD 800-631-6989

Transportation Conformity Rule Restructuring Amendments
Comparison Table

This comparison table is intended to assist readers in understanding how the conformity rule has been amended per the "Transportation Conformity Rule Restructuring Amendments" final rule (Docket # EPA-HQ-OAR-2009-0128). Sections of the conformity rule that have been amended are included in the table below. Sections of the transportation conformity rule that were not amended are not included in the table.

Until these rule amendments are published in the Code of Federal Regulations (CFR), readers should refer to the final rule for current regulatory requirements.

Topic	Previous Conformity Rule Section	Description of Previous Provision	Updated Provision	Purpose of Amendment
Definitions	93.101	Under "NAAQS," paragraphs (1) through (6) identified specific NAAQS: "1-hour ozone NAAQS", "8-hour ozone NAAQS", "24-hour PM10 NAAQS", "1997 PM2.5 NAAQS", "2006 PM2.5 NAAQS", and "Annual PM10 NAAQS"	93.101	Removes the definitions for specific NAAQS; the conformity rule applies to any ozone, CO, NO_2, $PM_{2.5}$ or PM_{10} NAAQS
	93.101	"Clean data" definition	93.101	Updates definition, no substantive change
Consultation	93.105(c)(1)(vi)	Interagency consultation procedures: Specific processes	93.105(c)(1)(vi)	Updates a reference; no other changes made
General Criteria and Procedures	93.109(b)	Description of how 93.109 as a whole is structured	93.109(b)	Updated to reflect revised structure: that paragraph (c) addresses the use of budget test and/or interim emissions test(s) and (d) addresses the hot-spot test; other references updated
Conformity Tests: Ozone	93.109(c)	1-hour ozone areas	N/A	Deletes this section as it is no longer applicable. The 1-hour ozone NAAQS has been revoked.

Topic	Previous Conformity Rule Section	Description of Previous Provision	Updated Provision	Purpose of Amendment
	93.109(d)(1)	Use of 8-hour ozone budgets, once adequate or approved	93.109(c)(1)	Addresses the use of the budget test and/or interim emissions test(s) for all NAAQS
	93.109(d)(2)	Use of interim emissions test(s) when no ozone budgets	93.109(c)(3)	
	93.109(d)(3)	Use of interim emissions test(s) for NOx when no NOx budget	93.109(c)(4)	
	93.109(d)(4)	Tests for areas not required to submit a SIP for ozone areas	93.109(c)(1), (c)(2), (c)(3)	
	93.109 (d)(5)	Clean data option for moderate and above ozone areas	93.109(c)(5)	Expands clean data flexibility to any NAAQS for which EPA has clean data regulations or policies
	93.109(e)(1)	Use of 8-hour ozone budgets, once adequate or approved	93.109(c)(1)	Addresses the use of the budget test and/or interim emissions test(s) for all NAAQS
	93.109(e)(2)	Use of 1-hour ozone budgets before area has 8-hour ozone budgets	93.109(c)(2)	
	93.109(e)(3)	Use of interim emissions test(s) when no ozone budgets	93.109(c)(3)	
	93.109(e)(4)	Clean data option for moderate and above ozone areas	93.109(c)(5)	Expands clean data flexibility to any NAAQS for which EPA has a clean data regulation and/or policy
Conformity Tests: CO	93.109(f)(1)	FHWA/FTA projects in CO areas requiring a hot-spot analysis	93.109(d)(1)	Redesignates paragraph (f)(1) to (d)(1)
	93.109(f)(2)	Use of CO budgets, once approved or adequate	93.109(c)(1)	Addresses the use of the budget test and/or interim emissions test(s) for all NAAQS
	93.109(f)(3)	Use of interim emissions tests when no CO budget	93.109(c)(3)	
	93.109(f)(4)	Regional conformity tests in CO nonattainment areas that don't have a maintenance plan and not required to submit an attainment demonstration	93.109(c)(1), (c)(2), (c)(3)	
Conformity Tests: PM10	93.109(g)(1)	FHWA/FTA projects in PM10 areas requiring a hot-spot analysis	93.109(d)(2)	Redesignates paragraph (g)(1) to (d)(2)

Topic	Previous Conformity Rule Section	Description of Previous Provision	Updated Provision	Purpose of Amendment
	93.109(g)(2)	Use of PM10 budgets, once approved or adequate	93.109(c)(1)	Addresses the use of the budget test and/or interim emissions test(s) for all NAAQS
	93.109(g)(3)	Use of adequate or approved PM10 budget of another PM10 NAAQS	93.109(c)(2)	
	93.109(g)(4)(i)	Use of interim emissions tests when the area has no PM10 budget	93.109(c)(3)	
	93.109(g)(4)(ii)	Use of interim emissions tests if the submitted PM10 SIP is a demonstration of impracticability under CAA 189(a)(1)(B)(ii) and does not demonstrate attainment	93.109(c)(6)	Similar to previous rule provision but eliminates redundant language
Conformity Tests: NO2	93.109(h)(1)	Use of NO2 budgets, once approved or adequate	93.109(c)(1)	Addresses the use of the budget test and/or interim emissions test(s) for all NAAQS
	93.109(h)(2)	Use of interim emissions tests when area has no NO2 budget	93.109(c)(3)	
Conformity Tests: PM2.5	93.109(i)(1)	FHWA/FTA projects in 1997 PM2.5 areas requiring a hot-spot analysis	93.109(d)(3)	Includes hot-spot conformity test requirements for all $PM_{2.5}$ areas
	93.109(i)(2)	Use of 1997 PM2.5 budgets, once approved or adequate	93.109(c)(1)	Addresses all NAAQS
	93.109(i)(3)	Use of interim emissions tests when area has no PM2.5 budget	93.109(c)(3)	
	93.109(j)(1)	FHWA/FTA projects in 2006 PM2.5 requiring a hot-spot analysis	93.109(d)(3)	Includes hot-spot conformity test requirements for all $PM_{2.5}$ areas
	93.109(j)(2)	Use of 2006 PM2.5 budgets, once approved or adequate	93.109(c)(1)	Addresses all NAAQS
	93.109(j)(3)	Use of interim emissions test	93.109(c)(3)	
	93.109(k)(1)	FHWA/FTA projects in 2006 PM2.5 requiring a hot-spot analysis	93.109(d)(3)	Includes hot-spot conformity test requirements for all $PM_{2.5}$ areas
	93.109(k)(2)	Use of 2006 PM2.5 budgets, once approved or adequate	93.109(c)(1)	Addresses the use of the budget test and/or interim emissions test(s) for all NAAQS
	93.109(k)(3)	Use of 1997 PM2.5 budgets / interim emission test	93.109(c)(3)	

Topic	Previous Conformity Rule Section	Description of Previous Provision	Updated Provision	Purpose of Amendment
Conformity tests in ...	93.109(l)	Areas with limited maintenance plans	93.109(e)	Redesignates paragraphs (l)(m)(n) to (e)(f)(g); updates references in paragraph (g)(2) and revises reference in (g)(2)(iii)
	93.109(m)	Areas with insignificant motor vehicle emissions	93.109(f)	
	93.109(n)	Isolated rural nonattainment and maintenance areas	93.109(g)	
Hot-spot tests in…	93.116(b)	CO areas without an approved attainment or maintenance plan	93.116(b)	Updates references; no other changes made
Budget test	93.118(a)	Introductory paragraph for the budget test	93.118(a)	Updates references; no other changes made
	93.118(b)	Describes years for which consistency with budgets must be demonstrated	93.118(b)	Simplifies the provision by referencing 93.118(d)
Interim Emissions Tests	93.119(a)	Introductory paragraph for interim emissions tests	93.119(a)	Updates references; no other changes made
	93.119(b)	Ozone areas	93.119(b)	Restructured so that the provision applies to current and future NAAQS without a rule revision (specific baseline years removed from these paragraphs and put into §93.119(e))
	93.119(c)	CO areas	93.119(c)	
	93.119(d)	PM10 and NO2 areas	93.119(d)	Combines existing 93.119(d) and (e) into (d). Restructured so that the provision applies to current and future NAAQS without a rule revision (specific baseline years removed from these paragraphs and put into §93.119(e))
	93.119(e)	PM2.5 areas	93.119(d)	
Non-federal projects in…	93.121(b)	Isolated rural nonattainment and maintenance areas	93.121(b)	Updates references; no other changes made

Topic	Previous Conformity Rule Section	Description of Previous Provision	Updated Provision	Purpose of Amendment
	93.121(c)	Areas with limited maintenance plans and areas with insignificant motor vehicle emissions	93.121(c)	Updates references; no other changes made